

## TELEFAX COVER SHEET

## PATTERSON &amp; SHERIDAN, LLP

ATTORNEYS AT LAW  
 595 SHREWSBURY AVENUE  
 FIRST FLOOR  
 SHREWSBURY, NJ 07702  
 TELEPHONE (732) 530-9404  
 TELEFAX (732) 530-9808

RECEIVED  
 CENTRAL FAX CENTER

MAY 16 2008

\*\*\*\*\*  
 THIS TELEFAX MESSAGE IS ADDRESSED TO THE PERSON OR COMPANY LISTED BELOW.  
 IF IT WAS SENT OR RECEIVED INCORRECTLY, OR YOU ARE NOT THE INTENDED  
 RECIPIENT, PLEASE TAKE NOTICE THAT THIS MESSAGE MAY CONTAIN PRIVILEGED OR  
 CONFIDENTIAL MATERIAL, AND YOUR DUE REGARD FOR THIS INFORMATION IS  
 NECESSARY. YOU MAY ARRANGE TO RETURN THIS MATERIAL BY CALLING THE FIRM  
 LISTED ABOVE AT (732) 530-9404  
 \*\*\*\*\*

THIS MESSAGE HAS 6 PAGES INCLUDING THIS SHEET

TO: Commissioner of Patents

FAX NO.: 571-273-8300

FROM: Kin-Wah Tong, Esq.

DATE: May 16, 2008

MATTER: Serial No. 10/768,563 Filed: January 30, 2004

DOCKET NO.: YOR920040007US1

APPLICANT: Das, et al.

The following has been received in the U.S. Patent and Trademark Office on the date of this facsimile:

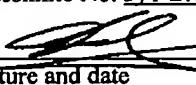
Preliminary Amendment  
 Disclosure Statement & PTO-1449  
 Priority Document  
 Response to Office Action  
 Credit Card Payment Form (PTO-2038)

Transmittal Letter (2 copies)  
 Fee Transmittal (2 copies)  
 Terminal Disclaimer  
 Facsimile Transmission Certificate  
 \_\_\_\_\_

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being transmitted by facsimile to the Commissioner for Patents, Alexandria, VA 22313-1450 on May 16, 2008, Facsimile No. 571-273-8300.

Kin-Wah Tong  
 Name of person signing this certificate

  
 Signature and date  
May 16, 2008

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

10/768,563

Filing Date

January 30, 2004

First Named Inventor

Das, et al.

RECEIVED

Art Unit

2195

CENTRAL FAX CENTER

Examiner Name

Kenneth Tang

MAY 16 2008

Attorney Docket Number

YOR920040007US1

## ENCLOSURES (check all that apply)

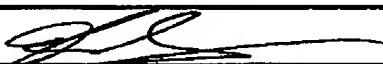
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input checked="" type="checkbox"/> Preliminary Amendment	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Facsimile Transmission
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Reply to Missing Parts under 37 CFR1.52 or 1.53		

**Remarks** It is believed no fee is due. However, in the event a fee is due, kindly charge that fee to deposit account number 20-0782. To facilitate that charge, a duplicate copy of this letter is enclosed

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Patterson &amp; Sheridan, LLP

Signature



Printed Name Kin-Wah Tong, Esq.

Date

May 16, 2008

Reg. No.

39,400

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature

Typed or printed name

Kin-Wah Tong

Date

May 16, 2008

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/21 (09-04)

Approved for use through 07/31/2006, OMB 0851-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>		Application Number	10/768,563
		Filing Date	January 30, 2004
		First Named Inventor	Das, et al.
		Art Unit	2195
		Examiner Name	Kenneth Tang
Total Number of Pages in This Submission		Attorney Docket Number	YOR920040007US1

RECEIVED  
CENTRAL FAX CENTER

MAY 16 2008

<b>ENCLOSURES (check all that apply)</b>			
<input type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Response  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application  <input type="checkbox"/> Reply to Missing Parts under 37 CFR1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Preliminary Amendment  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Facsimile Transmission	
			<input type="checkbox"/> Drawing(s)
			<input type="checkbox"/> Licensing-related Papers
			<input type="checkbox"/> Petition
			<input type="checkbox"/> Petition to Convert to a Provisional Application
			<input checked="" type="checkbox"/> Preliminary Amendment
			<input type="checkbox"/> Terminal Disclaimer
			<input type="checkbox"/> Request for Refund
			<input type="checkbox"/> CD, Number of CD(s) _____
			<input type="checkbox"/> Landscape Table on CD
<b>Remarks:</b> It is believed no fee is due. However, in the event a fee is due, kindly charge that fee to deposit account number 20-0782. To facilitate that charge, a duplicate copy of this letter is enclosed.			

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm	Patterson & Sheridan, LLP		
Signature			
Printed Name	Kin-Wah Tong, Esq.		
Date	May 16, 2008	Reg. No.	39,400

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature			
Typed or printed name	Kin-Wah Tong	Date	May 16, 2008

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PATENT  
Atty. Dkt. No. YOR920040007US1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED  
CENTRAL FAX CENTER

MAY 16 2008

In re Application of:

DAS, et al

§

§

§ Group Art Unit: 2195

§

Serial No.: 10/768,563

§

§ Examiner: Kenneth Tang

Filed: January 30, 2004

§

§ Confirmation No.: 6337

For: METHOD AND APPARATUS FOR  
UTILITY-BASED DYNAMIC  
RESOURCE ALLOCATION IN A  
DISTRIBUTED COMPUTER  
SYSTEM

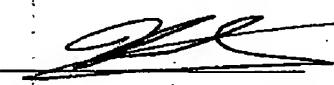
§

§

## CERTIFICATE OF TRANSMISSION under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United  
States Patent and Trademark Office : (571) 273-8300  
on: May 16, 2008.

Date



Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

PRELIMINARY AMENDMENT

Prior to examination, please amend the above-identified patent application as follows. Although the Applicants believe that no fee is due in connection with this amendment, the Commissioner is hereby authorized to charge Counsel's Deposit Account No. 20-0782/YOR920040007US1 for any fees, including extension of time or excess claim fees, required to make this response timely and acceptable to the Office.